

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39290 of 2023

Arising Out of PS. Case No.-177 Year-2022 Thana- MANIGACHI District- Darbhanga

Ram Avtar Paswan S/O Late Manauri Paswan R/O Vill. Nehra Kothi, Ps.
Manigachi (Nehra O.P) Distt. Darbhanga.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kedar Jha, Advocate

For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 26-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a period
of four weeks from today.

3. The petitioner seeks bail in connection with
Manigachhi (Nehra O.P.) P.S. Case No. 177 of 2022 registered
for the offence under Sections 147, 148, 149, 332, 333, 353,
188, 302, 307, 504, 283 of the Indian Penal Code.

4. The accused/petitioner is named in the F.I.R. and is
in custody since 17.09.2022.

5. The allegation against the petitioner is to deter
police officials while removing encroachment alongwith 41
named co-accused persons and 100-150 unknown co-accused
persons and while deterring so also alleged to pelting stones to



police personnels, where during the course of occurrence, the police vehicles got damaged and one Bihar Home Guard Personnel, namely, Chet Narayan Singh received serious injuries, who died later on during the course of treatment.

6. Learned Counsel appearing on behalf of the petitioner submitted that petitioner is neither encroacher nor the party of mob. It is submitted that being co-villager of encroachers, petitioner was implicated with present case without having any cogent material. It is also submitted that allegation is appearing very much general and omnibus against this petitioner without having any convincing circumstances. It is further submitted that several co-accused persons have been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 2328 of 2023 dated 29.04.2023. While concluding the argument, it is submitted that petitioner is a man of clean antecedent, and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP, opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above and by taking note of the fact as allegation against this petitioner is appearing very much general and



omnibus *qua* physical assault, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 17.09.2022, accordingly, petitioner above named, is directed to be released on bail in connection with Manigachhi (Nehra O.P.) P.S. Case No. 177 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-V, Darbhanga/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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